



**ZONING ADMINISTRATOR PERMIT  
STAFF REPORT  
MAY 7, 2012**

**Project:** **BLUE SKY LEARNING CENTER - (PLN2012-00175)**

**Proposal:** To consider a Zoning Administrator Permit for a tutoring center for up to 50 children in an existing 2,065 square foot tenant space in an existing multi-tenant commercial building, located in the Irvington Planning Area.

**Recommendation:** Approve, based on findings and subject to conditions.

**Location:** 39183 Farwell Drive in the Irvington Planning Area.  
APN 531-0411-013-00  
(See aerial photo next page)

**Area:** 2,065 square foot tenant space in an existing 61,250 square foot commercial building on a 13.11-acre lot

**People:** Sulan Wang, Applicant  
Stevenson Properties, Owner  
Spencer Shafsky, Staff Planner (510) 494-4452; [sshafsky@fremont.gov](mailto:sshafsky@fremont.gov)

**Environmental Review:** This project is exempt from the California Environmental Quality Act (CEQA) per CEQA Guidelines 15301, Existing Facilities.

**General Plan:** Commercial-Regional

**Zoning:** Planned District P-67-2

**EXECUTIVE SUMMARY:**

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The applicant requests approval of a Zoning Administrator Permit for a tutoring center for up to 50 children within an existing 2,065 square foot tenant space, located at 39183 Farwell Drive. The center will operate Monday through Friday from 8:00 a.m. to 6:30 p.m. Pursuant to Administrative Finding FZ-2009-1, minor amendments to Planned Districts regarding low impact uses require a Zoning Administrators Permit. Staff recommends that the Zoning Administrator approve the application subject to the plan identified in Exhibit "A", based on findings and subject to conditions contained in Exhibit "B".



Figure 1: Aerial Photo (2006) of Project Site and Surrounding Area.

**SURROUNDING LAND USES:**

North:	Commercial
South:	Commercial/Residential
East:	Residential
West:	Commercial

## **BACKGROUND AND PREVIOUS ACTIONS:**

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The subject property is a commercial site in a planned district (P-67-2) which was created in 1967 and has multiple commercial buildings; with the project location constructed in 1985. The site is within the Mowry East shopping center, and has multiple types of businesses including restaurants, retail stores, and general office uses. The existing theater complex adjacent to the proposed site is currently being redeveloped into a fitness center (PLN2012-00181). The proposed site is a 2,065 square foot tenant space within a multitenant building.

## **PROJECT DESCRIPTION:**

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The applicant is requesting a Zoning Administrator Permit to allow a tutoring center for up to 50 children and four employees in an existing 2,065 square foot tenant space. The business will offer a variety of classes and indoor physical fitness education throughout the day for children ages kindergarten through the 6<sup>th</sup> grade. The hours of operation are Monday through Friday from 8:00 a.m. to 6:30 p.m. year round.

## **PROJECT ANALYSIS:**

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### ***General Plan Conformance:***

The existing General Plan land use designation for the project site is Commercial - Regional. The proposed project is consistent with the existing General Plan land use designation for the project site because the land use designation is intended for a wide range of professional uses as well as retail and commercial uses and daycare and similar social services. Tutoring is a similar use to these permitted uses.

### ***Zoning Regulations:***

The proposed location is within Planned District P-67-2. The Planned District has a limited list of approved uses and educational services are not included on that list. This Zoning Administrator Permit is to amend the Planned District to allow educational service for this tenant space.

This Zoning Administrator Permit is for the proposed tenant space only. Any future proposals for educational services in other tenant spaces will have to apply for another Zoning Administrator Permit.

### ***Parking:***

The existing parking lot contains 274 parking spaces. The existing buildings on site occupy 61,250 square feet of retail space at a parking rate of one space per 250 square feet of floor area. The parking requirement for the retail spaces is 245 spaces. The proposed use requires three parking spaces for the first 15 children plus one space for each additional 15 children. With a capacity of 50 children, a total number of required parking spaces are 6. The existing parking lot adequately meets the parking requirements for the proposed use.

To prevent parking congestion, the applicant shall devise a plan to space consecutive classes apart for a period of time in order to prevent excessive overlapping of parking demand by parents at the beginning and end of each session.

*Circulation:*

The proposed development is located on Farwell Drive, which is an arterial street with full street improvements along the project's frontage. Access to the site is from Farwell Drive.

***Environmental Review:***

This project is exempt from the California Environmental Quality Act (CEQA) per Guideline 15301, Existing Facility.

**PUBLIC NOTICE AND COMMENT:**

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Public hearing notification is applicable. A total of 53 notices were mailed to owners and occupants of property within 300 feet of the site. The notices to owners and occupants were mailed on April 26, 2012. A Public Hearing Notice was published by *The Argus* on April 24, 2012.

**ENCLOSURES:**

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***Exhibits:***

Exhibit "A"    [Site Plan, Floor Plans](#)  
Exhibit "B"    [Findings and Conditions](#)

***Informational Items:***

Informational 1    [Proposed Statement of Operations](#)

**RECOMMENDATION:**

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1.     Hold public hearing.
2.     Find that the project is exempt from the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15301, Existing Facilities.
3.     Find Zoning Administrator Permit PLN2012-00175 is in conformance with the relevance provisions of the City's existing General Plan.
4.     Approve Zoning Administrator Permit PLN2012-00175, as shown on Exhibit "A", subject to findings and conditions in Exhibit "B".

**Existing Zoning**  
Shaded Area represents the Project Site

